

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, July 23, 2024

9:00 AM

Regular / Tentative Millage

Commission Chambers

A. CALL TO ORDER 9:00 AM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele

C. PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the minutes from the May 21, 2024, Regular Meeting.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F. ITEMS PULLED FROM CONSENT AGENDA

Chair Steele noted that F.7. would be pulled for a speaker card and F.17. would be pulled for Commissioner Tobia.

F.7. Brevard County Wastewater Treatment Plan and an Onsite Sewage Treatment and Disposal System (OSTDS) Remediation Plan per Florida Statute 403.067(7) (a)9 - Clean Waterways Act

Ed Fontanin, Utility Services Director, stated Item F.7. is a planning document that is a State requirement; this came into law last year; in the State law, the draft of this is required to be submitted in February and the final version in August; the intent of the law, or the planning document, is for communities that are within the B map that have point source, or non-point source, of greater than 20 percent nutrient loading, to provide a planning document to identify how, over a 10-year plus spectrum, that could be addressed; and associated with that, they are looking for dollar amounts of what that could take. He went on to say the State usually uses that number to figure out what future State appropriation and funding would be needed at a later year.

Sandra Sullivan stated this one quite surprised her; on one hand, one of the things she has come here for years and advocated for is, when people were sold the Save Our Lagoon tax, it was sold that part of it would be used for Advanced Wastewater Treatment (AWT) upgrades; this is in that direction; she was surprised to see the Save Our Indian River Lagoon (SOIRL) funding on multiple projects in here worth millions of dollars for, obviously, a vote that has not been taken today with regards to the referendum; and that is kind of interesting, kind of like a foreshadowing of what is going to happen. She added of interest to her in particular, was the planned expansion of growth in Brevard, for example, in North Merritt Island, the Federal lands and the State-leased lands on the Federal lands, says Proposed Wastewater Service Area; it looks to her like the direction it is going is whereas the Indian River Lagoon was, in the first 10 years, a funding source for the St. Johns River Water Management District for its obligations for muck dredging; it seems now it is being used instead of addressing existing infrastructure issues that this will now be used to fund expansion for areas of new development; this is very

concerning to her; and she pointed-out an area on her sheet, North Merritt Island, which the whole thing was selected, including the Federal lands. She asked what is being done, is the County going to be using taxpayer money; she mentioned the other thing is on the graphs, North Merritt Island, the hydrology study that shows that it is a huge flood risk in a 10-year event; she commented this is Port St. John; she has come to these meetings for years, calling out the development being put in Port St. John and the yellow line that is seen in 2024, is above the capacity of the plant; and it is irresponsible of the County Commission to speak of caring about the Lagoon, meanwhile, packing on development on a sewage plant that is in excess of its capability. She went on to say a sewage plant used to cost about \$50 million, now it is about \$170 million; it is begging to the Federal government for money, begging to the State, and they are saying no, the County is responsible for this; rather than addressing impact fees, it wants to stick it to the voters; and as far as North Merritt Island goes, this is a lobbyist from North Merritt Island (showing a card), "thank you Rob for fighting for the Lagoon", from a lobbyist; tens of thousands of dollars; and she said, "wake up people to the establishment funding candidates for we the money, not we the people."

Commissioner Goodson asked if it is true that if there is a development that is being proposed, that the Utility Services Director, or someone in the County, checks to see if a sewer plant can handle it before the permit is issued to develop a project.

Mr. Fontanin replied absolutely; that is a State requirement to go through that due diligence.

Commissioner Goodson asked, with that being said, would it not be appropriate to use SOIRL tax to improve sewer plants, sewer lines, installs, or stuff to get the sewage out of the Lagoon.

Mr. Fontanin replied it is one of the sources but the projects identified here do not necessarily have to be funded by SOIRL; there are a variety of funding mechanisms to do that, and that is obviously one of them; but the intent of the projects listed here was not to put the full burden on SOIRL to accomplish this.

F.17. Acknowledge Receipt of FY 2022-2023 Redevelopment Agencies Annual Reports for the Fiscal Year Ending September 30, 2023

Commissioner Tobia commented he hopes this is folded back in; a lot of work went into this by the Community Redevelopment Agencies (CRA); there is good news and bad news in these reports; the bad news is many of the CRAs are still wasting large amounts of funds on façade grants and entryway signs, and he would be remiss not to point them out, Diamond Square, Babcock Street Melbourne, Downtown Rockledge, and Titusville; but, treating them like millennials, he will end with some good news. He went on to say the good news is the Babcock Street CRA will sunset September 9, 2024, the Bayfront CRA sunsetted in May 2024, and the Satellite Beach CRA was dissolved by the City on September 30, 2024; to put this into perspective, this will be about \$2 million in Tax Increment Funding (TIF) payment reductions; he noted not to get him wrong, the County is still spending millions of dollars; it is still spending it on façade grants, greenery, and all that good nonsense; but it is less waste than what there was in the past.

Commissioner Goodson expressed his appreciation to Commissioner Tobia for not mentioning the Merritt Island Redevelopment Agency (MIRA).

F.1. Approval to Enter into Negotiations for Accela Civic Platform Cloud Services License/s, and for Associated Migration and Modernization Project

The Board authorized staff to enter into negotiations with Accela to procure Accela Civic

Platform SaaS user licenses, migrate to the SaaS model, and modernize Brevard County's Accela Civic Platform configuration; authorized the County Manager to execute order forms, agreements, task orders, change orders, modifications, and amendments, provided that the cost is not to exceed the figures listed in the fiscal impact of this report; and authorized the County Manager to establish the necessary budget to implement this SaaS upgrade and implementation.

Result: Approved

Mover: John Tobia

Seconders: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.2. Approval, Re: Dedication of Reuse Water Main Easement from The Viera Company for the Ibis Office Building at Viera Medical Park Project

The Board accepted the Reuse Water Main Easement from The Viera Company for the Ibis Office Building at Viera Medical Park Project.

Result: Approved

Mover: John Tobia

Seconders: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.3. Approval and Acceptance, Re: Dedication of Traffic Signal Easements from 1) Deer Lakes Owners' Association, Inc., as to Parcel 1, 2) CV Melbourne, LLC, as to Parcel 2 and 3, and 3) Community Credit Union of Florida as to Parcel 4 for the Deer Lake Crossroads Signalization

The Board accepted the Traffic Signal Easements from Deer Lakes Owners' Association, Inc., as to Parcel 1; CV Melbourne, LLC, as to Parcels 2 and 3; and Community Credit Union of Florida, as to Parcel 4 for the Deer Lake Crossroads Signalization.

Result: Approved

Mover: John Tobia

Seconders: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.4. Approval, Re: Permission to Apply to the Safe Streets and Roads for All (SS4A) Grants Program for a Countywide Safety Action Plan

The Board granted approval for the County to apply for the SS4A Grants Program for a Countywide Safety Action Plan; authorized staff to submit the grant via the Valid Eval Portal on behalf of the County; authorized the County Manager to sign the grant agreement, any amendments, or renewals, upon County Attorney and Risk Management approval; and authorized County Manager to execute any necessary Budget Change Requests.

Result: Approved

Mover: John Tobia

Seconders: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.5. Approval, Re: Resolution and Underground Easement (Business) from Brevard County to Florida Power and Light Company for the Brevard County Sheriff's

Office Animal Surgery Center Project

The Board executed and adopted Resolution No. 24-064, authorizing the conveyance of a real property interest by the County; and accepted and executed the Underground Easement (Business) from FPL for the Brevard County Sheriff's Office Animal Surgery Center Project. Enclosed is the fully-executed Resolution and Underground Easement (Business).

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.6. Permission to Authorize Solid Waste Department Director to Execute a settlement Offer from the Florida Department of Environmental Protection

The Board authorized the Solid Waste Management Director to sign the settlement between FDEP and Brevard County to resolve compliance violations observed during an inspection of Cell 1 of the South Landfill at the Central Disposal Facility.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.7. Brevard County Wastewater Treatment Plan and an Onsite Sewage Treatment and Disposal System (OSTDS) Remediation Plan per Florida Statute 403.067(7)(a)9 - Clean Waterways Act (CONTINUED)

The Board approved the Brevard County Wastewater Treatment Plan and OSTDS Remediation Plan to be submitted to the Florida Department of Environmental Protection for compliance with Florida Statute 403.067(7)(a)9 - Clean Waterways Act.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.8. Facility Use Agreement with Aerospace Technology Group at Valkaria Airport

The Board approved and authorized the Chair to execute the Facility Use Agreement with Aerospace Technology Group.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.9. Approval, Re: Thousand Islands Conservation Area (TICA) Management Plan and Pine Island Conservation Area (PICA) Management Plan and Sykes Creek Conservation Area (SCCA) Management Plan (District 2)

The Board approved the Management Plans for TICA, PICA, and SCCA.

Result: Approved
Mover: John Tobia
Seconders: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.10. Approval, Re: Florida Department of Environmental Protection TRAIL-GO Grant Application Submission and Execution of Grant Agreement

The Board approved and authorized the Chair to sign the Letter that authorizes the Parks and Recreation Director to submit the grant submission and that the Board approves the project; authorized the County Manager to approve and execute the Grant Agreement upon Risk Management and County Attorney approval; authorized Parks and Recreation Director to sign future agreements, amendments, and modifications upon Risk Management and County Attorney approval; and authorized the County Manager to execute necessary Budget Change Requests (BCR).

Result: Approved
Mover: John Tobia
Seconders: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.11. Approval, Re: Brevard County Campground Reservation Modifications and Retired Brevard County Board of County Commissioners Government Employee Discount

The Board considered and adopted Resolution No. 24-065, approving a change to Brevard County campgrounds length of stay policy, campground advanced reservation time limits, and that retired Brevard County Board of County Commissioners employees receive a discount benefit of 50 percent on rental fees.

Result: Approved
Mover: John Tobia
Seconders: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.12. Approval, Re: Resolution and Public Transportation Grant Agreement, Florida Department of Transportation Public Transit Block Grant Program

The Board approved the following actions for State Fiscal Year 2025 Public Transit Block Grant from FDOT in the amount of \$1,925,467:

- authorized the Chair to sign the Authorizing Resolution No. 24-066;
- authorized Transit Services Director to sign the electronic agreement, and to execute any additional follow-up documentation, resolutions, and amendments necessary to secure these funds; and
- authorized the County Manager to execute necessary Budget Change Requests (BCR).

Result: Approved
Mover: John Tobia
Seconders: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.13. Certification of Local Option Gas Tax (LOGT) Percentages Allocations

The Board approved the certification of the LOGT Percentages Allocations; and authorized the Clerk's Finance Department to submit the allocations to the Florida Department of Revenue (FDOR).

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.14. Acknowledge Receipt of the Tax Collector Recapitulation and Errors and Insolvencies Reports

The Board acknowledged receipt of the Tax Collector Recapitulation and Errors and Insolvencies Reports.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.15. Interlocal Agreement with City of Melbourne for Wickham Road and Post Road Intersection Improvements

The Board approved an Interlocal Agreement with the City of Melbourne, providing for the City to contribute to the County's construction of intersection improvements at Wickham Road and Post Road on a reimbursement basis.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.16. Approval of Written Consent to Easement in Connection with the City of Cocoa Granting a Utility Easement to Florida Power & Light Company for Underground Electric Utility Facilities in Lee Wenner Park

The Board approved and authorized the Chair to execute the Written Consent to Easement in connection with the City of Cocoa granting a Utility Easement to Florida Power & Light Company for underground electric utility facilities in Lee Wenner Park.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.17. Acknowledge Receipt of FY 2022-2023 Redevelopment Agencies Annual Reports for the Fiscal Year Ending September 30, 2023 (CONTINUED)

The Board acknowledged receipt of FY 2022-2023 Redevelopment Agencies Annual Reports for the Fiscal Year ending September 30, 2023.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.18. Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.19. Annual Investment Performance Report Year Ended September 30, 2023

The Board accepted the Brevard County Annual Investment Performance Report, for the year ended September 30, 2023.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.20. Brevard County Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2023, and Brevard County Annual Financial Audits Report for the Fiscal Year Ended September 30, 2023

The Board acknowledged receipt of the Brevard County Annual Comprehensive Financial Report for the Fiscal Year ended September 30, 2023, and the Brevard County Annual Financial Audits Report for the Fiscal Year ended September 30, 2023.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G. PUBLIC COMMENTS

Christina Fleming stated she is a retired firefighter of 25 Years with the County; the Board knows her, as she has been here before; she just wanted to say good morning and let the Commissioners know again, that in 2008 the firefighters froze their pay and have been waiting for the Commissioners to come back and help them, still waiting; firefighters in 1998 signed a referendum that said that the millage rate was supposed to be set at 0.6431, set at, it was not; last year it was set at 0.5115, this is funding that can be used; and the budget that they are working with for the negotiation sucks, it sucks, they are way behind like \$20,000 to \$30,000 underpaid, and that is the middle people not the new people, the middle people. She went on to say that the Inspection Department has over 1,700 inspections that are overdue because they are understaffed; so the fleet is inundated with broken vehicles whether just broken down or wrecked, its bad and they are understaffed also; everyone is understaffed and that includes Road and Bridge, and that is everybody in Brevard County; the County needs to find the

funding and needs to budget for more; and all she is asking for is the Commissioners to talk to the Chiefs, the Directors, and the County Manager and really get together and increase the budget. She added the Sheriff is asking for money too because he is understaffed; it is bad, it is really bad; the firefighters sit in the meetings and talk constantly saying the same things over and over again and sometimes they have to say them so that it gets in the Board's brains; they really need to work; so just to let the Board know in the next three years 189 firefighters in less than four years have the potential to leave without owing the County anything; there are also 79 firefighters with 23 years or more that can retire and leave the County; that is 55 percent of its fire department that can leave, and probably will, 55 percent; she asked where does that leave the rest of the firefighters that are still working; they are going to be working mandatory overtime, they are going to be tired; they are going to get sloppy, and because it is not their fault because they are being overworked; she asked if all fairy tales begin with Once upon a time; and she answered no, many of them begin with if they are elected they promise.

H.1. Permission to Participate in and Accept the U.S. Dept. of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant

Chair Steele called for a public hearing on permission to participate in and accept the U.S. Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant.

Morris Richardson, County Attorney, stated this is a request by the Sheriff's Office in order to participate in grant funding through the Department of Justice Edward Byrne Memorial Justice Assistance Grant; this particular grant award anticipated for the upcoming years is in the amount of \$165,078; this grant goes towards providing coordinated transportation of arrestees to the County jail; by the Sheriff taking on that, it allows law enforcement agencies, particularly municipalities that are located remotely from the jail complex, the ability to have those arrestees picked up by the Sheriff's Office; and that does not take the law enforcement officers off the streets in their local communities while they make that drive up there.

There being no objections, the Board granted permission for Brevard County Sheriff's Office to participate in and accept the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant application; designated the Brevard County Sheriff's Office as the point of contact; authorized the Chair to execute the necessary contractual agreements, modifications, and amendments; and authorized the County Manager to execute any necessary Budget Change Requests.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

H.2. Final Public Hearing and Approval of the Fiscal Year 2024-2025 Annual Action Plan for the Brevard County HOME Investment Partnerships Program Consortium

Chair Steele called for a public hearing on approval of the Fiscal Year 2024-2025 Annual Action Plan for the Brevard County HOME Investment Partnerships Program Consortium.

Ian Golden, Housing and Human Services Director, stated this is the annual action plan as required by Housing and Urban Development (HUD); the process started in May when the first public hearing was held and solicited comments for input into the creation of the plan; the plan was then put together, put out for public comment for 30 days; no public comments were received; and this is the final hearing and approval request.

There being no comments or objections, the Board approved the Fiscal Year 2024-2025 Annual Action Plan; authorized the Chair to execute required certifications, assurances, and the applications for Federal Assistance for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) grants; authorized the County Manager to sign the CDBG Program and HOME Program Grant Agreements and Disbursement Agreements with the four Brevard HOME Consortium member cities upon approval from HUD; authorized the use of competitive procurement to secure contractors to complete proposed activities and projects; authorized the Housing and Human Services Director to endorse agreements, amendments, and modifications for activities and projects identified in the Action Plan, upon approval from Risk Management, County Attorney's Office, and Purchasing Services; and authorized the County Manager to execute any necessary Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

H.3. Petition to Vacate, Re: Public Utility & Drainage Easement - 1000 Royal Oak Court - "Sandy Run at Suntree" Plat Book 25, Page 143 - Melbourne - Gary Louis and Mary Susan Baxter, Trustees

Chair Steele called for a public hearing on a petition to vacate a public utility and drainage easement at 1000 Royal Oak Court-"Sandy Run at Suntree" Plat Book 25, Page 143, Melbourne - Gary Louis and Mary Susan Baxter, Trustees.

Marc Bernath, Public Works Director, stated this is a petition to vacate a public utility and drainage easement at 1000 Royal Oak Court; the petitioner is requesting the vacate to allow for an existing pool to be enclosed with a screen; and there have been no objections received.

There being no comments or objections, the Board conducted the public hearing and adopted Resolution 24-067, vacating part of a public utility and drainage easement at 1000 Royal Oak Court, "Sandy Run at Suntree" in Section 14, Township 26 South, Range 36 East, as petitioned by Gary Louis and Mary Susan Baxter, Trustees.

Result: Adopted

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

H.4. Adoption of Proposed FY 2024-2025 Ad Valorem Millages

Chair Steele called for a public hearing on the adoption of proposed FY 2024-2025 Ad Valorem millages.

Jill Hayes, Budget Office Director, stated staff is requesting that the Board set the Fiscal Year 2024-2025 proposed millage rates; in the attachment, it provides the detail on the 2024 taxing districts; on February 20, 2024, the Board adopted Resolutions declaring its intent to adopt a budget that does not constitute a tax increase and does not make a finding of critical needs; these proposed millage rates align with that Board direction; all millage rates have been established in accordance with the Brevard County Charter Cap limitations; and the aggregate millage rate represents a 4.3 percent decrease from the current Fiscal Year, so under this proposal there will not be an advertisement for a tax increase.

Sandra Sullivan stated she is present in support of the firefighters regarding the millage rate and to request this be rejected; there are a couple issues pertaining to the budget; in 2021, Palm Bay was suing the County, and this goes back to the Municipal Service Taxation Unit (MSTU) referendum; the high point is that the Board sat down to negotiations with the Fire Department and the Union and came up with a wage comparable that was agreeable to everybody; these are the counties that it agrees with that Brevard should be within that average; and at the last negotiations, it was asked and said was a budget to meet a comparable. She went on to say the paramedics are underpaid on mean, \$25,000; the attorney that was present was asked if he budgeted any of this in the budget; the answer was no; and the County came to the table, not in good faith, and presented a budget that does not incorporate addressing any of the issues. She added she also wanted to point-out she has done some research over the last few days; she showed a budget from 2019 and stated it shows that the Emergency Management System (EMS), as a result of that lawsuit in 2004-2005, ended up taking a referendum that was to pay for a Countywide EMS, very well documented, and flipped that to Fire, which she does not even know if it is legal, and then it is using the General Fund; on the Attorney General's website there is a statement, and she read "In summary, until and unless legislatively or judicially determined otherwise, I am of the opinion that leveling special assessments and adoption of user fees or service charges are the exclusive methods of financing."; and in other words, therefore they are saying, "Using general ad valorem tax revenues, whether it is General Fund, et cetera, is not legal." She went on to say she thinks the Board has lawsuits coming because she does not think it is legal; and she asked to please reject the budget.

There being no further comments Board approved the FY 2024-2025 Proposed Millages for the purpose of notification to taxpayers by the Brevard County Property Appraiser; and instructed the County Manager to complete the Florida Department of Revenue's Certifications of Taxable Value, Forms DR-420.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

H.5. Ordinance Amending Chapter 46, Article IV, Section 46-129, Brevard County Code of Ordinances, Pertaining to Noise

Chair Steele called for a public hearing on an ordinance amending Chapter 46, Article IV, Section 46-129, Brevard County Code of Ordinances, pertaining to noise.

Morris Richardson, County Attorney, stated this is an ordinance requested by the District 4 Commission Office, and he believes the Commissioner explained it at the last meeting where the Board adopted legislative intent that this was the result of the Suntree Golf Course requesting some relief, but it is applicable, generally, to golf courses; he explained currently under the noise ordinance, there is an exemption for landscape maintenance between the hours of 7 a.m. and 8 p.m., provided that the equipment is reasonably operated and equipped with all noise-reducing equipment in proper condition; and this would take golf course landscape maintenance and extend the 7 a.m. to 8 p.m. exemption to all hours of the clock to accommodate the operating hours of golf courses where they have to do that kind of maintenance prior to tee-time starting and things of that nature.

Commissioner Feltner commented he thinks this was covered pretty well in the last meeting; he is happy to answer any questions; and he appreciates the support.

Attorney Richardson noted a volunteer from a West Shore Junior/Senior High School working in his office this summer wrote that ordinance for the Commissioner and did great work under the guidance of Chris Reilly in his office; her name is Elena Konicki; and he wanted to thank her for her good work on this.

Commissioner Tobia jokingly stated Point of Order here; this is completely unfair that the County Attorney is now pointing out that his no vote was against a high school student; and that is a terrible move.

Chair Steele asked if she was present.

Attorney Richardson stated she could not be here today.

Chair Steele asked Attorney Richardson to please thank her and he will make sure to punish Commissioner Tobia.

There being no further comments or objections, the Board adopted Ordinance No. 24-16, amending Chapter 46, "Environment," Article IV, "Noise," Section 46-129, "Exempt Activities or Actions," of the Code of Ordinances of Brevard County, Florida to provide an exemption from the application of Article IV for golf course landscape maintenance at all hours; providing for conflicts; providing for severability; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

Result: Adopted

Mover: Rob Feltner

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Feltner, and Steele

Nay: Tobia

I.1. Resolution Calling for a Referendum: Economic Development - Ad Valorem Tax Abatement Program

Karen Conde, County Manager Assistant, stated this item was initially brought before the Board on July 9, 2024, and was tabled for additional discussion to this meeting.

Neal Johnson stated he has served the Economic Development Commission (EDC) for over 25 years and spent a lot of time with them on the Ad Valorem Tax Abatement Program; he thanked the Board for the opportunity to speak; he commented when he spoke on July 9, 2024, some questions came up and he would like to address those; the data that was brought up at the prior meeting went back to 2018; and while he does not dispute the data that was presented, he thinks there needs to be some context. He continued to say it does not reflect the fact that shortly after 2018, there was a pandemic and during that pandemic, all activity slowed down or came to a stop; relocation activity slowed down; companies that may have been approved for an Ad Valorem Tax Abatement at that time were probably not able to do what they had anticipated doing; and he thinks there needs to be some context in that data, but not disputing the accuracy of the data, because it is. He added that each Commissioner was sent a copy of a presentation that the EDC has been doing out in the community and will continue to do as an educational piece to the voters, should this go on the ballot; the commission with Florida Institute of Technology (FIT), under the direction of Dr. Abram Walton, his students did a research study for EDC on the Ad Valorem Tax Abatement Program, as they felt it was successful, but they really wanted to get some independent research and some data that did or did not support that position; and there was no preconceived idea when they went into it. He explained the graphic from 2005 through 2023 is just companies that received an Ad

Valorem Tax Abatement; if a company came here and did not receive an abatement, it is not included in any of the numbers on the graphic; one could see the total number of jobs during that period of time; he mentioned that the year 2005 and shortly after, it was a difficult time in the community, and he thinks the fact that they had something that encouraged people to come here was helpful in mitigating \$1.4 million in taxes that were abated, just for companies that used the abatement; but those companies also paid \$83.8 million in total taxes, so he believes there is a good return on the investment. He stated the total wages were \$4.43 billion; he explained the next graphic shows that for every dollar that was abated, the County received \$4.82 in taxes that were actually paid, and for every dollar of capital investment is \$33.38 in Ad Valorem Tax awarded incentive; and it is important to point-out that the numbers that are seen about taxes that were abated and taxes that were paid, came from tax bills on the public record for Brevard County. He stated he is present today because, in his opinion, he believes that the voters should be the ones to decide whether this is continued or not; he thinks it is an important tool for Brevard County to have in its tool belt; it was seen recently where SpaceX had an issue, fortunately it was a California issue, but they were shut down for a period of time; it shows that anything can happen, and when it does, the County needs to be prepared to try to continue to grow the economy with every tool available; and he believes the voters should have the opportunity to decide that.

Commissioner Tobia thanked Mr. Johnson for calling and sending over the study; he noted he critically went through it as much as he could, given what was presented; it was pointed-out on page 14 of the Walton report, there is a calculation of 4,523 jobs; he tried to replicate that number with all of the applications that were approved, the jobs promised if they are added up; in the last six years there have been hundreds of jobs promised, yet not delivered; and he asked if Mr. Johnson subtracted the jobs not delivered from that 4,523.

Mr. Johnson responded he would like to bring up Edgar Campa-Palafox from the Economic Development Commission of Florida's Space Coast.

Mr. Campa-Palafox stated the numbers that were included in that study just include the applications from the companies that came forward.

Commissioner Tobia remarked that was a yes or no question; as Mr. Johnson said, the data that was presented by him at the last meeting was correct; he said there were hundreds of jobs that were promised and not delivered; and he asked if those that did not materialize for one reason or another, get subtracted from this number.

Mr. Campa-Palafox replied the number is for active applications in the program; and if they were kicked out of the program, they are not included.

Chair Steele remarked he is thinking that his answer is no.

Mr. Campa-Palafox replied if a company has not delivered, and was kicked out of the program, they are not included in that total; to think about the application, there is a company coming forward promising a specific number of jobs; and if they do not deliver in their time frame, they are kicked out of the program.

Commissioner Tobia explained he had staff add them up and they added up to that exact number.

Chair Steele commented then the answer is yes.

Commissioner Tobia stated those were promised, not delivered, so the best case scenario,

they were not delivered; second of all, this is more important, so this takes everything off the table, because he had a list of questions, and he is glad it was mentioned; he noted that Mr. Johnson said that it was an independent report; and he asked if that is what he said.

Mr. Johnson replied affirmatively.

Commissioner Tobia asked if the Walton report was a peer-reviewed study.

Mr. Johnson replied he would have to ask Mr. Walton that question, but his understanding is that they did have subject matter experts that were consulted; and he cannot answer whether it was peer-reviewed or not, but he can get the answer for him.

Commissioner Tobia passed out a copy of a biography on Abram Walton and asked if this is the same Abram Walton, Professor at the College of Business, he was referring to that provided this study.

Mr. Johnson replied Mr. Walton oversaw it, his students did the research.

Commissioner Tobia remarked to remember this is an independent study; he highlighted that he is the founding chairman of the Space Coast Economic Development Commission; and he asked why that was not disclosed.

Mr. Johnson remarked to keep reading, as that is not what it says.

Commissioner Tobia read Commission Innovation Council.

Mr. Johnson stated they created a council and Mr. Walton was asked to chair that council; he was not the founder of the Economic Development Commission (EDC); and that was misleading.

Commissioner Tobia apologized; he read, "the founding chairman of the Space Coast Economic Development Commission Innovation Council"; and he asked if Mr. Johnson is saying Mr. Walton sits on a board that is under the EDC.

Mr. Johnson replied Mr. Walton chairs a council, as does he.

Commissioner Tobia asked again why this was not disclosed, it was said to be independent, but the guy sits on the EDC; he commented that is disgusting; either he thinks the Board members are idiots, or he did not do his research, the same way he did not drop things off; he is absolutely disgusted that was not disclosed to the Board; and thankfully, it was looked up and found out that this guy is clearly not independent, neither is his research. He stated this may work at a Chamber of Commerce breakfast over coffee, but for independent intelligent thinkers up here... He asked how much Mr. Walton was paid to do this.

Mr. Johnson replied nothing.

Commissioner Tobia remarked he got his money's worth.

Mr. Johnson refrained from his reply.

Commissioner Tobia stated he had a couple of points as to why the Board should go in a different direction; number one, lack of follow-through; since 2018, this Board has rescinded 10 previous abatements due to failure of the businesses to meet the program requirements; he has lists of all of that if anyone is interested; three businesses voluntarily withdrew from the

program during the same time span, including two that were approved and are still active, which equates to an 85 percent failure rate; and John Thomas, who was up here previously, was clear that it was 85 percent, but somehow said that an 85-percent rate was indicative of success. He added he does not know how 85 percent failure is indicative of a success; number two, they are going to come here anyway; the last three tax abatement requests to come to the Board were denied and the projects still came to Brevard County; Rogue Valley asked for \$490,503 and decided to come here; L3Harris immediately after, laid-off 5-percent of its 7,000 employees, roughly 350 jobs, while reporting profits of \$1.2 billion; and that may be a business decision, but none the less, there were layoffs that occurred after. He went on to say number three, promised jobs, is where that study says every job promised was included, yet most of them do not materialize; the abatements that were approved by the Board since 2018 were expected to bring 252 jobs; those that were approved within the last six years and are still active and met their promise, is a total of 42 jobs, which are USSI Global and Roswell Marine; he likes jobs, but according to the EDC's program overview, the average median County wage is \$61,784; and USSI's average of promised jobs was \$43,190, and Roswell Marine's is \$53,714. He stated the jobs are not numerous and not all that high-paying; the rescinded abatements that were promised during that time were 698; he is going to give some math that is just as crazy as the math that was presented to the Board; there were 252 jobs promised, and 42 jobs that are currently active; during that same six years, there were 698 jobs that had to be taken back because they were not meeting their desired goals; he would argue that the program has helped create negative 404 jobs; and it is voodoo math but not as crazy as the math of creating 4,000 to 5,000 and creating billions of dollars, it is a joke. He added number four, the cost of the program; this program is not free, there are administrative costs that include funding to the EDC and revenues lost to abatements; over the same six-year period, the County paid \$8.4 million to the EDC and lost \$6.4 million in revenue, not to mention the considerable staff time that went into this; two points were brought up by another Commissioner and he brought up a slide of how the jobs are spread across the Districts and is indicative of the industrial areas; and he showed a slide of the size of the organizations that received the abatements, which he thought was interesting. He noted that looking at this, the bulk of the jobs provided are not to small businesses, but actually to very, very large businesses, as most of the jobs offered are to companies that have at least 100 employees and an equal amount to companies that have 500 or more employees; if one takes the average abatement that was provided, it was to a company that had more than 36,000 employees, not small businesses; and there is a cost to taxpayers for each one of these jobs, but he did not do the math. He stated the last thing he wants elected officials to do is make business decisions of choosing winners and losers, as he thinks that is best left up to the market; he does not think the Board should participate in this scheme; and he has a motion but he wants to hear what the other Commissioners have to say first.

Commissioner Goodson asked if it was fair to sit up here and make decisions for the voters, or should the voters have the right to vote for this; he understands Commissioner Tobia's comments and they are extremely sad and gut-wrenching; and he asked if it was on the ballot 10 years ago.

Commissioner Tobia replied yes, and there was one 10 years previous to that; he looked at the largest employers out there and those would be Health First, Harris, and Northrop Grumman; Health First has over 9,500 employees, with no abatements given; Harris Corporation has 7,200 jobs, and built their headquarters in Melbourne in 1978, with no abatements; and Northrop Grumman has 4,700 employees, with Grumman established in Brevard in the 60's and merging with Northrop in 1994, with no abatements. He stated companies came here long before and companies are still coming here; and he knows it sounds good, but the reality of the situation is it is bad for taxpayers, in his opinion.

Commissioner Goodson asked Commissioner Tobia if he commented that no small businesses received tax abatements.

Commissioner Tobia replied no, his comment was the average one that received it has 36,738 employees.

Commissioner Goodson asked Mr. Johnson to comment on it.

Mr. Johnson commented that he thinks there needs to be some context; they have a set of guidelines that are statutory that they have to go by when reviewing the tax abatements; the minimum number of jobs created is 10, and based on their research, about 15 percent of the companies that received an abatement were for that number of jobs, and then it goes up from there; about 65 percent were 50 jobs or less; these are jobs promised, so it could have been the larger companies; but he thinks what they fail to recognize is that when a large company comes in, it creates other jobs and those jobs are generally small businesses such as vendors, suppliers, and the induced jobs such as restaurants. He added they believe that when they incentivize a company to come here it filters down to small businesses; and they are always open to more suggestions on how to do that better.

Commissioner Goodson asked what is charged for small businesses to join the organization, or if it is even allowed; and he remarked he assumes it takes too much time to take care of a small business, so they go after the big fish. He inquired what rates are charged to be a member of the EDC

Mr. Johnson replied he does not think he or Mr. Campa-Palafox have that information off the top of their heads; but a two-person lawn service would probably not join.

Commissioner Goodson stated if that two-person lawn service was a member and the rates were raised, and could not afford it, because it took too much time to take care of him and they only wanted the big corporations, he would not agree with that, but he hears him.

Mr. Johnson remarked he appreciated the input and would take it under consideration.

Commissioner Feltner asked if the question was do they have a number of small businesses that make up the EDC; and he asked how many businesses they had that have under 15 employees.

Mr. Johnson replied Artemis IT is a member and, based on number of employees, he would consider them a small business; there is also a painting company...

Commissioner Feltner asked how many employees he had.

Mr. Johnson replied he has none, but he works for US Bank.

Commissioner Pritchett noted this has always been a hot topic; she mentioned Mr. Johnson works for a bank; and she asked if he received any money for serving on the EDC.

Mr. Johnson replied no.

Commissioner Pritchett commented she is trying to weigh all this and think it through; she does not think the whole time that she has ever been working in government, that she ever voted against any EDC incentives or any projects it has done to try to further the economy in the community, or increase population, or keep the grandchildren from moving up north during a

crisis; this is always a heated topic; and she thanked Mr. Johnson for withstanding it. She noted Commissioner Tobia always does a great job drilling through it; he always brings good data; when she is kicking through these ideas, and she has lived here for a long time, she has been through a lot of things in the community and she knows that a lot of times these incentives have helped save the community; as far as big businesses bringing in thousands of employees, she thinks that is a good thing because it brings the economy back up and people spend in the small shops and stores; and she thinks that is probably a good thing when that item came up. She added when they bring in new businesses in industry, the same dollar is not passed around the community, dollars are brought in from other parts of the country; the political environment, she is not enjoying at all; she finds out where people land at this moment by how they respond to things; and she is going to support this because it is going to go on the ballot. She noted her primary reason for supporting it is because she knows Lynda Weatherman is still very involved in this and she trusts her, as she has watched her for years and she works very hard for this community, and this is going to win because of her heart; she does not know where the EDC is going to be in the next 10 years when it tries to do this again, because she imagines she will be long gone by then from government; and Commissioner Tobia brought up some good points, so she thinks it is up to everybody who is going to be involved in determining where these dollars go, to be really paying attention so that not one dollar of people's funds are wasted when investing it and trusting the EDC to make decisions over their money.

*Chair Steele passed the gavel to Vice Chair Pritchett.

Commissioner Steele stated this is a big issue to him; he cannot dispute anything Commissioner Tobia said, as he is absolutely correct, and he applauds him for the research he has done; he believes it; he asked how many people were around during the Challenger explosion; he commented lots of people that were here, and what happened after the Challenger explosion was devastating; companies left, people left, and the brain pool shrank; and as a result of that, there were riverfront houses being sold for \$100,000. He went on to say people were in a depression here when the shuttle program went away and it became very, very difficult; just last week something happened that could have turned around the economy, when former President Trump was almost potentially assassinated; it is very difficult times that people are in and he assures there will be more of those; and Brevard County needs to be prepared for that. He stated there are two things he wants to address; what Commissioner Goodson mentioned about small companies is a very interesting and needed thing; a person can apply for tax abatement if they bring 10 employees in; it is not that the Board would not try to help small businesses, it is because they are not applying or maybe not knowing about it; there is an argument that has been true lately because the County is in the most robust time it has ever been; it is booming, there are thousands of jobs at the Space Center and all over; and the aerospace companies are kicking butt and the County is solid. He added people are coming here because everything is good; the insurance policy he wants for the people of Brevard County is what happens when things turn around and go bad; he guarantees that if the County does not have an incentive program, these companies will go to the states that have the incentive programs and Brevard will not be in a good position; he understands Commissioner Tobia's logic, which is excellent; and he thinks what is happening is people are participating in a program that has not been working correctly and has not been extremely successful lately. He stated over the years, it has happened pretty well; he is asking to let the people decide on this, not the Board; and he is asking the Board to let this go to a referendum and to go from there.

Sandra Sullivan stated first of all, the County is in robust times; this can be brought forward when and if the economy changes; it is not needed now; right now, Brevard's house is falling down; right now, the last time this came up at a meeting, there was a room full of yellow shirts,

and the County cannot pay a fair wage, but it wants to give abatements to the rich companies; and this stinks. She added it feels like the hashtag 'we the money' referendum; it is an abatement for special interests; it is time to take care of the house; and it is time to take care of the falling down roof, the roads are at \$8 million deficit on capacity needs that it has no way to fund at this time. She asked about the sewage plants and how Port St. John, at \$170 million, begging to the Federal government and the State, with lobbying trips up to Washington, D.C.; she remarked to take care of the house; now is not the time to give special interests tax breaks when it cannot meet its commitments to public safety; and it is shameful. She pointed out the Chair is championing this, who sat on the EDC, as she remembers, and is a lobbyist; she questions whether he should recuse himself; she thanked Commissioner Tobia for doing the deep dive; she has been present for many meetings where these abatements have been rescinded because of their failure; and like the Lagoon plan has not been legislatively advertised, so the agenda item for the Lagoon one was advertised. She stated the last thing she wanted to say is whether this is a super majority vote or simple majority vote; she is curious as to what is going to go today because in 2022, when the Board was talking about a potential referendum coming forward, the attorney at that time said it needed a super majority vote; there was some indication at the time that maybe that attorney was replaced because they did not do the will of the Commission, in her opinion; and she suggested to put public safety first and take care of the household needs in the County, take care of the fire fighters, take care of the roads, and take care of the infrastructure.

Chair Steele took back the gavel; and he asked Morris Richardson, County Attorney, if this required a super majority vote.

Attorney Richardson replied this requires a simple majority vote of the Commissioners to place it before the voters.

Commissioner Tobia stated he thinks he sees where things are going; he looked up some actual research studies, ones done by academic institutions where they were not paid, not sit on boards, ones that were peer-reviewed; the quotes are damning as far as the successful nature of that; he sees where things are going and understands it; and he has heard from at least two Commissioners that this should go to the voters, and there is nothing wrong with it. He added his staff often challenges him and they did this time, how could he support this; if the Board is going to give it to the voters, he believes it should give as much information as possible to the voters so they can make an informed decision; he does not want them to listen to him go on; and there are certain parameters about how the ballot language must be crafted, number of words, leading, and all that good nonsense. He stated he consulted with Attorney Richardson and he has a little addition; he thinks the motion would probably include the exact same language that was there before, and he read "Shall the Board of County Commissioners of Brevard County, Florida, continue to be authorized to grant, pursuant to Section 3, Article 7 of the State Constitution, property tax exemptions to new businesses and expansion of existing businesses that are expected to create new, full-time jobs in the County"; his addition provides more information to the voters so there is a better response; it is accurate by not only what he has indicated, but also what the EDC has indicated; and his addition would be 'despite that during the five-year period between July 9, 2019, and July 9, 2024, more tax exemptions failed to meet program criteria and were rescinded, than succeeded'. He noted it is factually accurate and meets the 75; if someone from the EDC or the tax abatement task force would like to argue with that, he would like to hear it, but that is factually correct; he thinks that the County should actually give the voters as much information as possible, and this is more information so they can make an informed decision; the Tobia rule is if he amends it, he is forced to vote for it; and there are two ways to argue this, number one, it is bad information or number two, they would rather voters not get this information because they want a yes.

Commissioner Goodson commented on Chair Steele's comments about a bad time when all the big companies left; he asked when they left during the bad times, who stayed; the small businesses stayed and survived, and paid their taxes; to come down here and fight Commissioner Tobia to ask for two more jobs, he would not come down here; he noted Chair Steele commented that small businesses should come down here to get an abatement; and he asked if that was correct.

Chair Steele replied no; and he stated small businesses could apply for an abatement, not come down here.

Commissioner Goodson remarked if one knows anything about applying for an abatement, most small businesses would never do that; they do not know how or have the time; he will vote to give it to the public to let them decide; then if it gets approved at 63 percent, the Board made the decision; that is the way it should be, in his opinion; and they should be given as much information to make a good decision.

Commissioner Pritchett stated she read the ballot language and it makes sense to her, but she asked would it be better information for the public if the Board adds a minimum amount of jobs that it would be creating; and if the Board is saying 10 or more jobs, maybe it should be put in there.

Mr. Johnson remarked that is the requirement, so he does not think it would be any reason that it could not be put in there; the ballot language that is used is pretty much exactly what has been used and approved; this was first voted on in 1994; and he asked Attorney Richardson if that was correct.

Attorney Richardson responded the ballot language is prescribed by Statute; the Statute states the ballot language must be in this form substantially; the form it provides is virtually identical to the one that is proposed in the resolution before the Board; the only thing added to the resolution currently, are the words 'continue to be', just to indicate that this is an existing program and not a new program; and he noted Commissioner Tobia's office did contact him about his proposed amendment. He added he thinks it meets the statutory criteria, such as it cannot be misleading, and it has to be within the 75 words; he did let them know that there is not a lot of guidance in case law or Attorney General Opinions on substantially the form, whether his proposal deviates too much, or whether Commissioner Pritchett's suggestion would deviate too much from the statutory form; it is a difficult call to make, although he would say that neither of them seem to significantly deviate so much that it would invalidate the ballot form; and that is what was followed in crafting this referendum language.

Commissioner Pritchett stated her thought on this is, of course, with the small businesses getting off and there is a way to help them get through certain hurdles, but back at that time when the economy went south and everybody moved, if it was not for large businesses coming in, the County would still be suffering economically; she works at a church and if there is no population, there is no ability to help people because people are not able to bring funds in to help the community; that is just a small aspect of something that it is in; she teaches at the college and students went way down in population; it is a good thing to have a good viable economy going; and also the larger the population gets, the more ability for the government to have fees to pay the firefighters, the Sheriff, and all these things that are needed as extra resources. She added it is just good for the community to have new businesses come in; she does not know how the Board wants to do the ballot; and she thinks this is really going to come down to the people who put these incentives together and the County Commission to be sure that it is doing great evaluations on these and to make sure that the EDC is always on top of the clawbacks on these items as well.

Commissioner Tobia made a motion to approve it with the language that he discussed, that the County Attorney noted there was little case law and nothing that he saw prevented that; and he read his motion, "shall the Board of County Commissioners of Brevard County, Florida continue to be authorized to grant pursuant to Section three, Article seven of the State Constitution property tax exemption to new businesses and expansion of existing businesses that are expected to create new full-time jobs in the County, despite that during the five-year period between July 9, 2019, and July 9, 2024, more tax exemptions failed to meet program criteria and were rescinded than succeeded."

Commissioner Feltner asked if after this leaves here, if it passes today, does it have to go to a judge panel or something.

Attorney Richardson responded for this referendum language, no.

Commissioner Feltner commented he guesses the question of whether or not it meets the statutory requirement; and he asked if that is not something that requires any kind of judicial review.

Attorney Richardson replied not unless there is a challenge.

Commissioner Goodson commented he thinks by putting the amendment on, it is kind of tainting the water, making them look bad; he agrees with everything Commissioner Tobia said today; but one has to remember that if the public approves this, it still comes back to the Board; it can deny the abatement at that time or totally kill it; and it is not like this is going to make the EDC have any better of a hold than they have had on it the whole time, in his opinion.

Commissioner Tobia noted he does not mean to taint it; these are facts, and not facts that are disputed by staff; these are facts that are not disputed by the very people that want to put that on; the argument up here is to let the voters decide; if the Board is going to do that, it should provide them with as much information, whether good or bad, so they can make an informed decision; and that is all he is asking. He stated he agrees that does not sound good, but neither does this program, in all honesty; he can go over the research again that no one peer-reviewed study he found said that this was any good from a list of reputable institutions about just how terrible these programs are; all this language is factually accurate, and it meets the 75 word criteria; that is all he is asking; and he made the motion so he is voting for it.

Chair Steele noted Mr. Johnson cannot speak any more as the Board is under discussion; he asked if there was a second to the motion; hearing none, the motion failed; and he asked if there was another motion.

Commissioner Feltner made a motion to put the issue before the voters; he is going to reserve the right to vote against future abatements that he does not think are worthy; and Mr. Johnson knows that, as he has said it many times and has been upfront about that.

Chair Steele stated he wanted to thank Commissioner Tobia and his staff for all the research; and the Board appreciates all their work.

The Board adopted Resolution No. 24-068, calling for a referendum election on Economic Development Ad Valorem Tax Abatement Program on November 5, 2024, to renew the authority of the Board of County Commissioners to grant tax exemptions for new and expanding businesses; authorized the Chair and County Attorney to sign necessary documents; and authorized staff to make any necessary budget changes.

Result: Adopted
Mover: Rob Feltner
Second: Tom Goodson
Ayes: Pritchett, Goodson, Feltner, and Steele
Nay: Tobia

*The Board Recessed at 10:13 a.m. and reconvened at 10:20 a.m.

I.2. Resolution Calling for Referendum Election Regarding a Non-Ad Valorem Special Assessment for Road Paving in Canaveral Groves

Morris Richardson, County Attorney, stated on April 24, 2024, at a regular meeting, the Board directed that he prepare a resolution calling for a local referendum election to determine if a non-ad valorem special assessment should be levied to fund the paving of certain itemized County-maintained roads in Canaveral Groves; the Board also directed staff to estimate the cost of the road paving project, evaluate financial options, and approximate the amount of the assessment on the benefited properties; Keith Alward, of the District 1 Commission Office, did a lot of good, hard work on this and County staff sharpened their pencils and came up with the best estimate possible for what would be a long-term project to pave those unfinished roads; and based on the currently available preliminary cost estimates, and assuming 20-year financing at the rate of 4 percent, which was a number derived at by Jill Haynes, Budget Office Director, and the financial adviser, the annual per-parcel assessment, if ultimately the Board adopts this, and it was apportioned that way, is projected to be approximately \$1,500 per parcel, per year, over 20 years. He added that math works out to \$30,000 over the 20-year period; that is the best and lowest estimate staff could get for this very extensive project to pave all those unpaved roads that were listed; ultimately, if this is put to the voters, and the Board has in the Agenda Report and the resolution, the language that would appear on the ballot, if it is approved, it would still have to come back to the Board for compliance with the statutory and ordinance requirements to adopt a non-ad valorem special assessment, so that it appears on the tax bill. He noted this does not tie the hands of a future board, even if the voters approve it; the Board will still have discretion in both whether it is adopted and how to apportion it; this is just a projection of what it might look like if it gets that voter approval and a future board; the cycle would start next year, all the steps that need to be done to comply with the statutory process; and Mr. Alward could probably answer a lot of questions about which roads and how they were selected, as well as Commissioner Pritchett. He stated he probably should have said that this is just going to go to those voters who are both going to directly benefit from the project and be directly affected, the ones who are going to pay for it; nobody who does not reside in that area that is going to be benefited is going to have a say in this election; and Mr. Alward has worked with the Supervisor of Elections to provide that sub-area within Precinct 102, that would be impacted by this.

Sandra Sullivan showed a map and stated this is from the Agenda packet and it says the referendum area, right here, the pink is unpaved roads, and there is one named Osage, which she wants to pay attention to; she pointed out the referendum area, per this map, shows both paved and unpaved roads; she wanted to make a point that this is an increase in taxation, as they already pay a Road and Bridge Municipal Service Taxation Unit (MSTU), that is supposed to gradually, over the years, do projects over time; at the last Commission meeting, there was money from Tax Increment Financing (TIF) allocated for paving, design, and what-not for these roads and it was given back to the General Fund; and it is a question mark as to why. She went on to say then at a meeting from May 23, 2024, which has to do with what Commissioner District 1 refers to as the Brightline Development, which is putting a road through this community through Osage Street and the other road, to Grissom Parkway; then there is a legal

document, a stipulated court order from a lawsuit from 2007 that says for Osage and Angelica, the County gets to decide, and the entity agrees to pay all the County's reasonable costs in acquiring lands or interests, and the cost of constructing a public road access over the land and right-of-way; and they are responsible for the costs. She asked if this is being done, since Osage Street is one of them, to basically supplement the developer in some way, has the developer incurred or been charged for any of the costs for this study that was done to put in this right-of-way or the expansion of Osage Street and Angelica Street in these costs; she is wondering if that has been budgeted in, and of course, there will be records requests; the bottom line she wants to say it is election time and District 1 is running for Tax Collector...

Commissioner Pritchett called Point of Order.

Sandra Sullivan continued to say winning an election should not be a lifetime appointment; people are tired of paying higher taxes...

Chair Steele stated hold on please; and he told Commissioner Pritchett she would have her time to comment on what her...

Commissioner Pritchett commented Ms. Sullivan is campaigning.

Ms. Sullivan stated she is not campaigning.

Chair Steele noted Ms. Sullivan is not running for anything.
Ms. Sullivan stated she is not running for anything.

Chair Steele asked Commissioner Pritchett and Ms. Sullivan to stop please.

Ms. Sullivan stated it is her time, she used up her time; the Board interrupts people when they are on public comment...

Chair Steele stated excuse me, Sandra, when you break the rules...

Ms. Sullivan stated she used my time.

Chair Steele responded he does not know why she has to speak on every issue...

Ms. Sullivan remarked this is called 'we the people.'

Chair Steele responded that obviously, no one up here understands anything and she is the brilliant expert on everything is she not; he thanked her so much for her speeches; and he noted that she mentioned Commissioner Pritchett in her comments.

Commissioner Pritchett noted she knows that the public speaker decorum that there are some items, and so when she said Point of Order, it is a way of stopping things that are getting the Board off track of what it does.

Attorney Richardson explained that is correct; that kind of electioneering or campaign speech would fall within the ambit of the rule the Board recently adopted, some of the specifics of it; he commented that Commissioner Pritchett and her office worked very hard to be transparent on this item; and in several places in the Agenda packet, the roads that are going to be impacted, where the voters would be asked to vote on this issue, and who would ultimately pay for it are clearly identified; neither Osage Street or Angelica Street are identified; the map is clear that that is the geographic area in which voters will be asked to vote on this; but not every voter in

that geographic area will be asked to vote nor to pay. He added the streets are very specifically itemized and listed, and it is going to be a sub-Precinct within that area that is going to have to be address-based; the District 1 office has worked together with the Supervisor of Elections to put that together; he just wanted to correct those statements; and this has absolutely nothing to do with Osage Street and Angelica Street, or paving those roads, as they are not on the list.

Chair Steele asked Attorney Richardson if he should have immediately stopped when Commissioner Pritchett called Point of Order, or what he should have done; and he apologized for asking the question, but in the future he does not want to do anything incorrect.

Attorney Richardson responded as with many things involving enforcement of the rules, that is within the discretion of the Chair; when another Commissioner calls for a Point of Order, it is up to the Chair to decide whether there is a rule violation; and the Chair can always ask for his input as well.

Chair Steele remarked he thought it was appropriate for the Commissioner to be able to speak since Ms. Sullivan was casting dispersions in regards to her campaign.

Attorney Richardson commented he thought it was addressed appropriately.

Commissioner Pritchett noted typically, the Board tries not to respond to those things; she does not unless it starts causing confusion to the community, then she wants to make sure things get cleared up; as a little history, North Brevard District 1 has more than half of the unpaved roads in the whole County; what happened is there is a lot of rural areas and people move in there; all of the people that live in a neighborhood with paved roads, they have paid for those roads; and the developer puts them in the cost of the houses and everyone has paid for their neighborhoods. She added District 1 has big areas in North Brevard, Mims, Scottsmeer, Canaveral Groves, and Port St. John where people moved onto dirt roads and nobody has paid the cost to pave those roads; the County cannot have all the taxpayers, that have already paid for their own paved roads, pay for the paving of these dirt roads; there are people that have been living in these areas for many, many years and they would like to have their roads paved; they have tried forever to find some kind of funds to help alleviate this problem, because the County also has to maintain these roads; and it is a lot of work weekly and monthly trying to keep these dirt roads drivable. She stated they came up with a pilot program and this was a good area because when the roads are paved, they have to consider the drainage and the ditches; there is so much cost that goes into it with the surveying; this area had less problems with deep ditches; Mims and Scottsmeer is going to be very expensive because they are going to have to put pipes in for drainage and it is narrow; and she tried to establish a small area where some residents could be found that greatly needed to have their roads paved. She continued to say they really want the roads paved; they have tried the Municipal Service Benefit Unit (MSBU) and it is hard to get the petitions done and get the cost, so they thought they would try this; people that vote on this are only the people that live in this area, the rest of them, it is not their business; it is all up to them if they want to incur the cost to pave their roads; if they vote no, it will go away, if they vote yes, they are ready to come in and help to make that project occur; and Mr. Alward has done a great job of trying to identify some houses and areas to start with to see if it is even going to be something that the voters want to do. She stated it is her way of helping them out to get something done in their community.

Mr. Alward noted he did not have much more to add to that, they did look at the areas really close to determine this was the best area to try this program, like she described.

Commissioner Goodson asked Mr. Alward if he knew the average lengths of these roads.

Mr. Alward stated they are an average of one-fourth of a mile.

Commissioner Goodson asked how wide the roads are.

Mr. Alward replied they are 50-foot right-of-ways; and the dirt roads are 20-21 feet.

Commissioner Goodson asked if the plan was to do the grading, the swells, sodding the swells, and replacing pipes in this cost.

Mr. Alward replied he believes that would be best answered by Public Works, as he did not get into the design.

John Denninghoff, Assistant County Manager, stated in some cases, he thinks there will be some driveways and other drainage structures that will be included; and these particular streets are relatively low in that area of road construction and there will not be a lot of that compared to some other areas.

Commissioner Goodson asked if someone could provide cost for a 1,500 foot street from the beginning to the asphalt.

Mr. Denninghoff stated he does not have that information off the top of his head.

Commissioner Goodson asked if he could provide how many years it would take a person to pay \$1,500 with numerous residents paying before they could expect to see a street. Mr. Alward stated if he followed the question, how long it would take...

Commissioner Goodson stated if someone is paying their taxes, everybody on the street is paying \$1,500, how long would it be before they would see a road.

Mr. Alward stated he thinks Public Works would be able to answer that, but he thinks it was determined that in six to seven years they would have all of those roads completed.

Commissioner Goodson asked six or seven years.

Mr. Alward confirmed his answer.

Marc Bernath, Public Works Director, advised that was the goal, six to seven years.

Mr. Denninghoff advised one thing that is dependent upon, as the County Attorney had indicated, these items would come back to the Board in each case.

Chair Steele asked if Mr. Bernath had any other comments.

Mr. Bernath advised he has nothing further unless the Board has any questions.

Commissioner Pritchett stated they had put a maximum amount in there, she did not want it ambiguous so nobody would know what the cost would be; it is totally the business of the people who live there and totally up to them if they would like this project or not; and she reiterated it is just giving it to the voters who live in just that area, no one else gets to vote on it.

Commissioner Feltner stated Commissioner Pritchett said the maximum amount, and he questioned if that is up to \$1,500 per year.

Frank Abbate, County Manager, stated that would be the maximum amount for the voters, for the property owners, that would be their maximum cost; whether or not the actual cost would be more, that would have to be determined; obviously, the Board does not know what the cost would be two, three, or five years away; and whatever costs would be involved, the rest would have to be made up some other way.

Commissioner Goodson stated years ago people would go out in the County and process soil, cement, and build a road; he does not know what base is being chosen or what sub-base and he does not really care; and he asked if somebody can tell him in the design phase how much money it is going to take from these people to design a dirt road to go to asphalt.

Mr. Bernath advised it would be approximately a couple hundred thousand dollars per mile; he did not bring all the details to be able to discuss that; he provided some concept level information to the District 1 Commission office based on what he has seen costs for both design, for environmental, and for construction; and that was what was put forth.

Commissioner Goodson asked if Mr. Bernath is saying \$300,000 for this project in design alone.

Mr. Bernath noted it is approximately a couple hundred thousand per mile because, as Commissioner Goodson knows, they will have to look at the drainage, look at the environmental impacts, and need to make sure they are building roads that are compliant.

Commissioner Goodson stated the ditches have been there for 40 years; the road has not changed in 40 years; and the County is going to spend \$300,000 to put in a County road out in the subdivision. He mentioned he is sure it is going to be a class act, he just finds it so unacceptable that the County is going to charge these people to design a road that they are driving on; he asked why someone would pay \$300,000 unless they really want to drive on asphalt; and he thanked Mr. Bernath for his comments.

Commissioner Pritchett stated the actual cost of this is really much higher than this amount; District 1 MSTU is kicking in a lot of funds for those parts of it; even in the past when she has had a road come, they have given her an MSBU; what she has done with District 1 MSTU funds, because District 1 has quite a few of these because of all of the roads, is they have kicked in a large percent, so they have not had to pay a full amount to get that done; and that is going to come into play with this. She mentioned the residents contact her office on a regular basis asking for the roads to be paved; they have not been able to go out and get the MSBU, so this is almost like one big MSBU for them to vote on if they want it; the funds are going to be there so they will know exactly how much it is going to cost if they decide to have it done; and she reiterated that District 1 has an MSTU where they kick in a lot of funds as well. She stated there are also a lot of funds that come down the pike, and probably into the future; they have done this all along because they have 40 percent of the unincorporated area in District 1; this has been District 1's nightmare since day one; getting these roads done and helping her community have their roads taken care of has always been a big trick; former Commissioner Fisher got a large chunk of money from the gas taxes and he dumped millions of dollars into these roads back then; she does not see that coming down the pike any time soon and these people really want help with their community; therefore, she is trying to put something together to see if this will help them in the process, but if they do not want to do it, then they can just vote no. She noted she wants them to have all the information, like Commissioner Tobia always says, to have everything out there; she reiterated it is only their business, no one else, only the people who live there; and they just put in a process to help get it done if the people want to do it.

Commissioner Goodson commented that being said that she wants them to have all the information, he asked when she plans on giving them the information on the total cost of a road, how they will be building the road, how much is being spent on design, when people can expect the roads in six to seven years, and how those roads will be picked, by lottery.

Commissioner Pritchett stated it is going to be one large project going in, they will be going through that entire area; and that is what she was briefed on.

Mr. Bernath responded affirmatively; he stated there will obviously be phases as the Commissioner is suggesting; the plan is for over a seven-year period to finish all 12.8 miles; they would work with the Commission office on setting up those priorities, and logically going through it; they have been working with the District office for many years, as Commissioner Pritchett had said; and they have some designs already either on the shelf or underway so those would seed that, therefore, being able to start pretty close to day one, if this were to pass.

Attorney Richardson advised those are details the Board would see before adopting the special assessment under the statutory requirements; they would see them at that time and be mailed individual notices prior to, and that will go out, once again, to all the residents; and they will have the ability to come speak at future public hearings on the adoption of the assessment as well, with those details in place.

The Board adopted Resolution No. 24-069, calling for a local referendum election concurrent with the November 2024 general election, to determine if a non-ad valorem special election assessment shall be levied to fund the paving of certain County-maintained dirt roads in Canaveral Groves.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

J.1. Election of Value Adjustment Board Chairperson

Commissioner Pritchett stated she will make a motion to nominate Commissioner Tobia as the Chair of the Value Adjustment Board.

Commissioner Goodson asked if Commissioner Pritchett would place in her motion for herself to stay on the Board as well.

Commissioner Pritchett commented they will only have her for a couple more weeks after that.

Chair Steele stated one motion at a time.

The Board selected Commissioner John Tobia to be the Chairperson of the Value Adjustment Board.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Nay: Tobia

Commissioner Goodson stated he would like to make a motion.

Commissioner Pritchett interjected by saying he does not have to do a motion, she will stay on the Board for now.

J.2. Approval of Ballot Language, Legislative Intent and Permission to Advertise a Save Our Indian River Lagoon Infrastructure Sales Surtax Ordinance to Place a Referendum on the November 5, 2024 Ballot, and Re-Negotiating the Existing Municipal Interlocal Agreement for the Sales Tax

Chair Steele stated this is approval of ballot language, legislative intent, and permission to advertise Save Our Indian River Lagoon (SOIRL) infrastructure sales surtax ordinance to place a referendum on the November 5, 2024, ballot, and renegotiate the existing municipal interlocal agreement; there are a lot of cards, and he would very much appreciate if everyone would try to keep their comments as brief as possible; if anyone feels like they need to go the full three minutes, that is fine; he asked the speakers to please not repeat everything or anything that has already been said; and he advised the Natural Resources Management Director that the floor is hers.

Virginia Barker, Natural Resources Management Director, stated Chair Steele had already introduced the Item; and she is there for history, progress, or any questions from the Board.

Craig Wallace, Indian River Lagoon Coalition, stated he is in attendance representing all of the blue shirts in the room and those blue shirts that could not be in the room because they are at work; he thanked Ms. Barker and her staff for what they have put together; this program is recognized and the envy of all the counties around Brevard; it has attracted matching funds from the State and Federal government; it is doing what it is supposed to do; and he thanked the Commissioners for supporting that plan every year for the last seven years. He noted they are now seeing evidence, getting some seagrass regrowth; they are starting to think they have hit the bottom and are starting to come back up; they really think this program is working and they are seeing evidence of that with the clean waters and fewer algae blooms; however, science tells them that they have years of work left to fix this problem; and they need to get to the point where the Lagoon has lush seagrass fields back again, that will stabilize the Lagoon. He advised there are now 60,000 septic tanks in Brevard County; they are all pumping pollutants into the ground water; those need to be converted into either upgraded systems or at least connected to public sewer; to do that it could be many decades and probably billions of dollars; there is aging infrastructure for the sewage plants that these will need to be added into, so there will probably be some cost there; and what they are recommending is that this be brought to the voters this year because it allows to get the planning started for the large scale projects that take 10 years from start to finish so they will know there is a future to go to after the 10 year program expires. He noted they would like to start the planning process now for those programs; asking the voters now, he thinks is the best option; if the voters say yes then there is a clear path to move forward and there are no slowdowns in the progress; if the voters say no then they know there is two years left to try to educate the voters in terms of why this program is critical because it would probably cost people more in the long run if it is not done now; ultimately, the decision belongs to the Board, this is just a recommendation; and if the Board has a better approach for doing this he would certainly like to hear it.

Commissioner Feltner stated with all due respect, if the voters say no, he would not put it before the voters a second time, he would respect what they have to say; and he just wanted to be clear on that.

Mr. Wallace stated okay.

Commissioner Feltner explained that the notion if the voters say no, that they will have two more years to come back, he thinks that is a mistake.

Mr. Wallace thanked him and commented that is the Board's decision.

Commissioner Feltner stated he is getting information from the County Attorney; he thinks there has to be four years anyway; and he asked if that is correct.

Morris Richardson, County Attorney, stated it cannot be placed back on the ballot any sooner than four years if it were to go to the ballot and fail.

Haley Busch stated she is the Communications and Outreach Director for statewide nonprofit 1,000 Friends of Florida; they are a smart growth and environmental advocacy organization; she is in attendance today to ask the Board to approve placing the SOIRL amendment on the ballot in November and give this to the Brevard County voters; the SOIRL Plan has demonstrated significant benefits, not only by funding vital local projects, but by leveraging additional matching dollars from State and Federal programs; this makes it a high return investment, with contributions coming from both residents and visitors to this County; this local funding source is instrumental in maintaining the progress this County has made towards improving water quality and achieving the long-term goals for the Indian River Lagoon (IRL); to ensure the continued success and momentum of restoration, it is essential that the County secure steady and certain funding; and she thinks the Brevard County voters know the importance of the continuation of SOIRL. She went on to say they cannot afford to lose the momentum this program has generated for water quality restoration work; she applauds the County's Natural Resources Management Department and the County staff that have provided oversight and delivery of the projects made possible by SOIRL; while the one-half cent sales tax does not expire until 2026, the long list of unfunded restoration projects continues to grow; and she would hate to see any slowdown in momentum due to uncertainty of program funding. She advised she is a Florida Native; she currently lives in St. Petersburg and grew up in the Gainesville area swimming in the State's freshwater springs; she spent many summers as a child, in the Melbourne/Cocoa Beach area; she learned to paddleboard on the IRL; this area, she would like to think she sees a lot of the State of Florida through her travels and work, but this is a gem here on the East coast of Florida; and as was mentioned earlier, the SOIRL Program is one of a kind; she thinks it is definitely worth protecting; and she thinks the voters understand that as well. She asked the Board to make supporting the IRL part of its legacy and to let the voters decide to approve SOIRL in November.

Heather Elko stated she is a member of the Space Coast Audubon Society, but she is in attendance to speak for the conservation chairman, Matt Haydon; he is unable to be in attendance so she brought his statement; and she read, "As conservation Chair for Space Coast Audubon, I have been carefully following the decline and bottoming out of our Lagoon for more than 20 years. Finally, I see that the decline has almost hit bottom. I consider our Lagoon as the cancer patient that is in temporary remission because the thorough analysis of the problem and the actions taken by SOIRL, resulting in some of the lasting permanent improvements that have already been made. The SOIRL Projects are proving to be one of the best investments in the future of Brevard County, I could imagine. It is time to talk about leaving remission and begin recovery back to what we have enjoyed so many years ago. Recovery isn't going to happen unless the SOIRL Projects can continue and there can be no continuation and improvement if we do not get a chance to vote on it. Let's have another referendum so the voters can vote for a bright future for our County instead of being stuck

where we are with a murky polluted Lagoon.”

Michael Myjak stated he is the vice-chair of the Titusville Environmental Commission, a member of the IRL round table, and the secretary for Florida's Right to Clean Water.Org; hurricanes spinning up faster, atmospheric rivers of rain are consuming the shorelines; these are the challenges of changing climate which will not effectively deal with unless they start to curb their fossil fuel use, but neither will they be fully effective if they fail to harness the power of the aquatic ecosystems, the IRL, to heal the plant; a healthy IRL is a carbon sequestration magnet; and the Board already knows that mangroves help abate storm surge, but there is another tidbit. He continued by saying NOAA reports that mangroves and coastal wetlands annually sequester carbon at a rate 10 times greater than mature tropical forests; per equivalent areas, they store three to five times more carbon than tropical forests, that is 10 times the storage rate and one-third to one-fifth the space and that is amazing, thus one has something at their fingertips that is worth considering; and there is a very potent means of addressing greenhouse gasses right here, and mitigating the effects of the changing climate, worsening floods, and beach erosion, right here. He stated when wetlands are destroyed it loses the sequestration capabilities; worse, the carbon that they have stored is now released adding to existing greenhouse gas levels in the atmosphere; he would ask who would want to come visit a blue-green algae-laden Lagoon; he mentioned the failure to preserve, protect, enhance, and restore the aquatic eco-systems undermines the ability to confront climate change; and he would like this Board to renew the SOIRL Program and its funding and to keep this planet-saving effort in its legacy, if it does not, then the Board can expect the IRL's long-term illness to affect everyone, choking the life out of Brevard County, and not just the economy.

Vinnie Taranto stated he would first like to thank Commissioners Pritchett and Tobia for allowing him to serve as part of this profound initiative to save one of the County's two treasures, the IRL; SOIRL itself and his service on the Citizen's Oversight Committee (COC) started at the same time that Commissioner's Pritchett and Tobia started their service on the dais newly eight years ago and it has been quite the ride; they have served through an apocalypse; and he thanked Chair Steele, Commissioner Feltner, and Commissioner Goodson for supporting this initiative resulting in a unanimous approval of this year's plan update. He continued by saying it has been an honor; he has seen the COC and SOIRL staff work hard and he believes they are operating at the high level of efficiency that the residents of Brevard County expect and deserve; the big question today is why move forward on the referendum now and he has three simple reasons; the first is a business case, SOIRL does not just happen, it has dedicated staff that turns the gears; this staff is made up of awesome everyday people; and a shout out to SOIRL staff and the "Muckateers," they are gaining valuable experience and institutional knowledge that results in continuous efficiency improvements, and letting the citizens decide now would give the program the best chance maintain this high level of efficiency with the full staff intact and those gears spinning at full speed. He went on to say they have a hotrod; it is operating at maximum capacity; let the voters choose what happens to it now; point two is the citizens deciding; he is certain the Board knows this, but historically presidential election years have more participation; in Brevard the last two gubernatorial years only had a 67 percent and 58 percent turnout, just two years ago; contrast that with the last presidential, which had an 80 percent turnout; he worked the polls that year as head sanitizer and it was busy; and even those who do not agree with moving forward with SOIRL, they cannot argue the best opportunity to hear from the most residents, is this year. He added finally, there is concern of letting the next Commission decide, but if the Board moves forward today, providing the highest probability the program's efficiency and long-term planning continues unimpeded with the greatest number of votables possible poled, the next Commission will have its say every year, as he stated at the beginning of his speech, the Board now controls the plan and has made it theirs; it has improved it; yearly Commission decision is

already built in; this year, eight members of the COC will be turning off and the next Commission will be responsible for putting some of those back on; and they will have their say. He reiterated the best time to move forward is now and the best way to move forward is...

Commissioner Tobia asked Chair Steele to provide Mr. Taranto another minute as he is on SOIRL.

Chair Steelen stated he agrees.

Mr. Tarantino stated there is still great progress to be made; new science has shown water salinity and TP ratios as emerging variables that need to be focused on; there has been tremendous financial growth years; he asked what if the economy wains; he stated this year they have had to slightly scale back a project due to lack of unmarked funding; the best time to move forward is now; and the best way to move forward is to say yes. He added he thanks the Commission, and the future of Brevard County thanks the Commission.

Sandra Sullivan stated she is a Lagoon advocate; she advocates for the environment a lot; the Wavesaction group was created and has spent a lot of time working on environmental issues; she has dug into the Lagoon tax extensively; she calls this the St. John's River Water Management (SJRWMD) Muck Tax and she thinks it is a bait and switch fraud; in December 2015, there was an article in the *Florida TODAY* that said they wanted to create a muck tax but the infrastructure surtax 212.055 was not legal since that bill failed for two years; she has been coming to the Board for years asking to get an Attorney General Opinion (AGO) whether it is even legal to use this tax for maintenance dredging and for marketing, \$4 million a year for the last two years. She went on to say talking about history, in 2010, the State started spraying instead of harvesting and they lost a lot of the sea grass growth, 96 percent as of 2022; what she is saying is she got mucked; there are a lot of projects, the first plan came out, the person who wrote it was hired in 2015, the wife of a SJRWMD Board Member; showing a document, she stated these are all the projects currently there are a lot of controversies because they want to give Sarno to the City of Melbourne according to the meetings, and it is going to cost hundreds of millions of dollars more for muck dredging because the Board wants to pump it between eight and 13 miles down to Palm Bay; and then there is the misrepresentation of how long the grand Canal project is going to take. She commented she thinks it is going to be bait and switch and be putting it on Pineda; here is the shot about the loss of seagrass in the Banana River; all of the "oh it is getting better this year," there has not been any rain yet, and that is what happens every year; and the last project, 8.1 miles on the Eau Gallie Project, two and one-half times, 8.1 miles, \$49 million. She added then there is the issue of the Rockledge Drive trees where the County chopped down all the trees, or butchered them, and she started digging; she has a record request outstanding since May 20, obstructed by the Director of Natural Resources Management; she did get one page from the work product that she requested; this is for a lift station at the south end of the Harvey property by a developer; she explained this developer is an affordable housing developer; and anyway, she got mucked.

Chuck Sheridan stated he wants to give the Board a little bit of history; he has been doing a lot of research on the IRL; Gerald Ford on January 24, 1974, wrote the Merritt Island Wildlife Refuge National Monument Park into law; in that it states that the Federal Government shall maintain the Merritt Island Wildlife Refuge and its Lagoon systems which are part of its boundaries, in its natural and pristine condition; should that ever change, the Federal Government would, whether it be a cause of NASA, man, or God, the Federal Government would pay to restore it; and he has not seen that happen. He commented there was \$779 million set aside to purchase the Wildlife Refuge from Gerald Ford; the County donated a large portion of the property, Titusville donated a large portion of the property, and there was \$279

million left, they had only used \$500 million; that \$279 million was supposed to be left in the Parks service to maintain and keep the Preserve in its natural, pristine, and primitive condition; and they need to get that money for this. He mentioned he is not against the half-cent sales tax; the County needs to keep this project going; recently in 2002, the Federal Government enacted the Bipartisan Infrastructure Law and National Estuary Program which has \$132 million, and it keeps going up each year; there are 54 estuaries identified on the national map; there are some arguments whether this is one of them or four or five of them; but, there is supposed to be \$900,000 a year to go towards each one of those estuaries. He went on to say two things happened in 2010 that caught his attention, the Orlando Utility Company (OUC) power plant had to shut down where they could start it back up and the Port St. John power plant converted over to natural gas; Port St. John natural gas puts out particle matter 2,893 tons which is mostly iron particles, 2,203 tons of sulfur dioxide, and 1,629 tons of nitrogen oxide which are things they have been trying to keep out of the river; and maybe the County should be looking toward them for some funding for it as well; and he thanked the Board.

Commissioner Tobia stated he had listened to Mr. Sheridan, but he does not know where he is at on this one; he said he was not against it; and he asked if he is for it or if he just wasted three minutes of everyone's time.

Mr. Sheridan noted he did not waste everyone's times, he thinks the Board need to keep the program going.

Commissioner Tobia interjected by asking if he is in favor of this.

Mr. Sheridan stated the County is not getting the funding from the government.

Commissioner Tobia asked if Mr. Sheridan is in favor of it that is all he is asking.

Mr. Sheridan noted he is in favor of it.

Aaron Adams stated he is a South Beaches resident and the Director of Conservation and Science for Bonefish and Tarpon Trust which is the international conservation organization; he has a 40-year career in marine research, conservation, and policy working around the hemisphere; a lot of the points have been covered; the key here is that the work done by Natural Resources Management staff and others is starting to work and they are starting to see some recovery; it is going to take decades more of that, it is an investment; and the biggest thing is when one does this type of restoration work, it takes years of planning just to get to the point where a project can be executed. He explained a project that someone wants to do in five years, that planning has to start now; if there is an implication of perhaps not having funding, this does not go onto the ballot until 2026, that stops the planning right now for future projects; there would be more projects in the pipeline line now if there had been another five years prior to the 10 years of funding that they now have in hand; keeping that momentum going is essential; and he would imagine that Natural Resources Management Director can second that. He noted it is also very important that it helps Brevard County leverage some of the State money that the Governor's Office has recently allocated to the IRL, \$175 million over the past two years, which is very important; Brevard County can get a significantly larger portion of that State money by showing their dedication to restoring the IRL; and he would guess the County would get more of that money from the State over the coming years if the County shows its commitment. He stated he would urge the Commission to place this on the ballot in 2024, so that the residents can once again tax themselves; this is not coming out of the Brevard County budget, it is the residents of Brevard County seeing the cultural and economic importance of taxing themselves to fix the system.

Dr. Stephanie Ely stated she understands the importance of this and the long-term plan that everybody has talked about; and she would encourage the Board to place this on the ballot for 2024.

Laurilee Thompson stated she supports putting the vote to the people in 2024 for many of the reasons that were already stated; one of those reasons is the long-term planning and the time that it takes to put these large scale projects together; she is going to pick one that is near and dear to her heart and that is the Max Brewer Causeway in Titusville; there are two fabulous projects taking place on Max Brewer; on the north side they have a parking lot and major high-technology stormwater processing control going in; there is going to be a retaining wall; and restoration of the beach. She continued by saying on the South side there is wave attenuation devices going on in the river that will break up the power; Titusville has the longest fetch of all coming into the south side of the Titusville causeway; the erosion has been catastrophic, so they are going to put in wave breaks, restore the beach there; Titusville is going to have one of the longest causeways in the County with beaches on both sides, not rocks, construction debris, and rubble, but actual beaches; and it is also the most important Horseshoe Crab area in the entire State. She reiterated there are two projects; she mentioned it will be a showcase; it will be a test because on the north side of the causeway there is the traditional gray infrastructure that is put in place for resilience; on the south side of the causeway there will be the new technology of green infrastructure going into place, also for resiliency; it will be interesting to see how the two technologies work; and she is really anxious to see the results of that. She noted her point is that she thinks this was started on the north side and in 2014; it was a long time ago and was part of Brevard County Parks referendum; the serious work started in 2017, but it had been talked about then; in 2016 the talk was about the south side; it takes a long time to plan, execute, and get these large projects permitted; and that is why they need to keep this SOIRL Program going so the agencies that are being worked with know that the funding will be in place in the future.

Chair Steele stated that is the end of the cards but he has a couple questions; and he asked how many counties the IRL encompasses.

Ms. Barker explained there are five along the Lagoon, and then the southern edge of the Lagoon touches Palm Beach County; they do not claim the Lagoon when it is going to cost them something to fix it; and they do claim it when it is in their best interest to do so.

Chair Steele inquired if the half-cent tax is only applicable to Brevard County.

Ms. Barker responded in the affirmative.

Chair Steele commented and the rest of the counties pay nothing.

Ms. Barker went on to explain the other counties do many of their own projects, but what they do is fund it in other ways.

Chair Steele noted he is the one who sponsored this to bring it before the Board today; he has a little indigestion and wants to make sure before he moves forward on this today, that none of the money that comes in is spent for stuff that has not been approved already and that it is found that some of the money is being spent for things that are really not in the plan for spending the money; he inquired how the County or the Board protects itself in regards to how the money is spent.

Ms. Barker stated the Board sees the Plan annually; the County Commission approves the Plan annually; all of the dollars that are collected go into the SOIRL Trust Fund that is in the

Board's control; none of those dollars are spent on anything that is not pre-approved by the Board in the Plan; the program is audited annually; and there have been very few minor issues during all that time on any invoice.

Chair Steele asked if Ms. Barker feels comfortable that the County is in good shape with regards to that.

Ms. Barker advised him that the Board is absolutely in control of those dollars.

Commissioner Feltner stated he does not disagree with placing this before the voters, he disagrees with putting it before the voters in 2024; the reason why is that 60 percent of the Board is going to change in November and putting this issue before the voters just two weeks before the new Commission starts, he thinks is a mistake; and he thinks not including them in the discussion and letting them be a part of workshops or whatever needs to be done in the next year, and then putting it before the voters in 2026, puts the Board in a much better position. He added he wants buy in from the next Commission, not having to debate whether the merits of the program overall; he thinks that is what will happen if they are not included; and he thinks that is a strategic mistake. He mentioned hearing several things today such as putting it before the voters in a presidential election; there is going to be some volatility in this election and he does not know if necessarily high turnout always gets people the outcome they want; that is just not factual; he thinks the notion that there will not be high turnout in 2026, which will be a referendum on whoever wins in 2024, the idea that it will be a low turnout, is not correct; and he says this as a practitioner of these things. He mentioned the current Plan has the County spending money out to 2034; he thinks he received something this week that said that; there is \$300 million in the bank today; with all due respect, he thinks this is something that can wait for the new Commission; and that is where he is at today.

Commissioner Tobia stated he thinks something they can all agree on, both on the dais and in the audience, is that Ms. Barker and her team have done an absolutely bang-up job; the SOIRL Committee has gone above and beyond; he is hesitant to say this because he is normally on the other side, but Mr. Tarantino has acted in such a way, as a participant on that, calling him personally numerous times, that if normal advisory boards acted in such a manner he would be less concerned with the performance of them; across the board, he thinks not only the citizen volunteers, but the paid staff have done an incredible job, and one that everyone can be proud of; Commissioner Feltner touched on some of these and this is just another great shout out to Ms. Barker and her staff; he pointed out there is a bar graph and he wants to look at some of the numbers, but it comes off of some of the things Commissioner Feltner said, he thinks there may be a huge problem, and the Board needs to see if what has been done is having a marked impact and how big of a marked impact before asking for more; and this is akin to a child with dessert who wants seconds, but has not eaten the full portion of their dessert before already asking for seconds. He continued on by saying they have spent where they have seen measurable progress of just under \$78 million; what that accounts for is about 13 percent of the total amount, where the money has been spent, it has been completed, and people have seen the impact that the money has made; there is about almost \$400 million in progress so it is doing its job and hopefully it is doing it well, but people cannot measure the outcome of that \$400 million in totality until it is done; what that means is there is almost another \$195 million that the County has yet to allocate, so people will not be able to see what the impact of that is; and yes, it is a moving target, not a failure by any means, and in fact, he thinks they are acting in a conservative manner in the way they are allocating these funds. He stated there is \$195 left to be allocated; some of these projects will not be underway until 2028 and they will not be fully spent until 2034; he was concerned about two things, one being if the Board did not do it this year, would it be a loss in continuity of projects, as well as personnel; it would be terrible to have environmental experts on here who see this not come up today and decide to go in a

different direction; there are a lot of those experts that are funded; Ms. Barker was very helpful, but needless to say, if this does not go before the voters until 2026, the County will still need those experts until that point; the County will have the funds to cover them until that point, then the voters can decide one way or another; as he mentioned before, some of these projects will not even start until 2028; he does not see there being a loss of continuity in either projects or more importantly, personnel; Mr. Tarantino was not only looking out for the environment but also for the people that help, the experts, and personnel; he thinks a lot of people are missing that; it is not just volunteers, but there are some paid experts who are on this and he greatly appreciates them; and if this does not come before the voters this time and it comes in 2026, the County should not lose any of those, and on top of that there will be better data and the impacts of what is being done to find out if this is needed for all 10 years, or will it be needed longer than that. He mentioned when this started people were saying this is a billion dollar project; now it is a \$5 billion project or a \$3 billion project; what is needed is to see more of the impact and its efficacy before going to voters, and ask for what is going to be one-half billions dollars of more resources; their responses could very well be how much has been spent and what has been seen from the impact; he stated right now, it is very positive and he thinks that is a great thing when the County has completed projects of 13.8 percent of the total amount which is \$77.8 million of the projected \$586 million; and for those reasons, as well as what Commissioner Feltner said with the new Board coming in, he will make a motion to continue this Item until a date certain on the first regular Board meeting in April 2025. He added there will be more data, new Commissioners, and he thinks they would make a better and more informed opinion.

Commissioner Feltner stated he thinks Commissioner Tobia's motion is well intentioned; his vision going forward with the next Board is that it have a series of workshops; as the Board knows, he does not have a problem with workshops; he thinks some of those details could be worked out; within four months of the new Board getting there and saying it will be voted on again, he is not quite sure if that is right; but, he appreciates what he is doing.

Commissioner Pritchett stated she wants to piggyback on some of those things; Ms. Barker is great at what she and her staff does; her integrity is right at the top of what she does; when the question was asked about spending it where the voters intended it, Ms. Barker has that right on the nose; there has never been a problem with the way she has managed the funds and the projects she has brought forth; and she appreciates that tremendously. She went on to say Mr. Tarantino is such a good person; his heart is so right in this project; he is easy to listen to and to think through the things that he brings up as well; the passion for the Lagoon is pretty great and everyone surrounded around a common cause; and it is a wonderful place to live and the Lagoon is so vital to everyone. She continued by saying she has heard there are a lot more sharks in it now; she is pro-Lagoon and anytime this is brought forward she will be behind it and out there promoting people to vote for it; she does not disagree with the fact that she thinks it might be a little premature; she thinks it would be better to place on the ballot in two years; what she is willing to do is make a motion right now to approve this to go on the ballot in two years; that would give the next Commission, if it needs to make some tweaks, and this Board did that a few years ago with a couple things; there are a couple things coming on the ballot that the Commission worked on very hard two years ago; this Commission could change it right now if it wanted to in the next couple of weeks; she is not sure it is going to, but it could; and she will make the motion to do that.

Chair Steele stated he thinks there is a motion on the floor.

Commissioner Pritchett advised she is just saying what she is going to do in a minute. She mentioned her thought with that is she thinks there probably could be some more aquarium aspects put in this as well; the aquarium is going to be a great project for the Lagoon; maybe

the next Commission can tweak through some funds to be raised to have that project really take off and be very successful because the aquarium is going to do great things for the Indian River Lagoon (IRL) with science and study; those are some things if she had more time. She would have brought up for this; and after the motion, if it goes or does not go, she will be making a motion to approve this language to go on the ballot in 2026.

Commissioner Feltner stated he would suppose that the Board should handle these motions as they come; and he asked if they are on Commissioner Tobia's motion.

Chair Steele advised there has not been a second for Commissioner Tobia's motion yet; and he asked if there was a second. He advised hearing no second the motion dies.

Commissioner Pritchett made a motion to place the ballot language on the ballot in 2026, then the Commission in the next couple of years can make adjustments or changes; everybody on the Board supports the Lagoon; and she thinks that will make this speak volumes, that this Board is behind it, it is just the timing should be adjusted for a little more information and study.

Commissioner Feltner stated with all due respect, he thinks that is this Commission making a decision for the next Commission; he knows affirmative steps can be taken to undo it, but that is what that Board would have to do; he thinks the Board should just let them decide to put it before the voters after maybe a series of workshops or whatever they decide; he thinks that is the better way to go; and he would not be supporting that motion today.

Chair Steele called for a second on Commissioner Pritchett's motion; he advised it dies for lack of a second; and he called on Commissioner Goodson.

Commissioner Goodson made a motion to place this on the ballot with the proper wording.

Chair Steele passed the gavel to Commissioner Pritchett. He seconded Commissioner Goodson's motion.

Commissioner Pritchett called the motion.

The Board denied the request to approve the ballot language to place referendum for a 10-year extension of the SOIRL Infrastructure Sales Surtax on the November 5, 2024, ballot; denied legislative intent and permission to advertise an ordinance amending the Brevard County Code, Article X, SOIRL Infrastructure Sales Surtax; and denied the request to direct staff to amend and extend the existing municipal Interlocal Agreement regarding use and distribution of the sales tax.

Result: Denied

Mover: Tom Goodson

Second: Jason Steele

Ayes: Goodson, and Steele

Nay: Pritchett, Tobia, and Feltner

Commissioner Pritchett passed the gavel back to Commissioner Steele.

Commissioner Pritchett advised she will be supporting this in two years and had that motion gone through she would have been privileged to have made the motion to put it on the ballot in two years.

Commissioner Goodson noted he would say the same about putting it on now, he would be

honored to put it on now.

Chair Steele stated he thinks everyone knows this Commission supports the IRL, no question about it; this is about the timing of what is going on; he voted in favor of putting it on the ballot right now; he would like to share a couple concerns; number one, if it is placed on there right now, the Governor may rethink his position on funding because of all of the money that is coming down; he may think Brevard County does not need it they just had a half-cent sales tax; it is much better logistically to do it in 2026; he is not happy that it was not passed today, but unfortunately it did not happen today; he thinks it will go in the future; and the Board will let the future Commission make their decision.

K. PUBLIC COMMENTS

Sandra Sullivan stated at the Brevard County Fire negotiations there was a very prominent sign, 'What is Public Safety worth to you?'; she wants to talk about some numbers of staffing; since October of 2021 the County has lost 170 field personnel; in 2023 the County lost approximately five field personnel per month; in 2024, this has increased to eight per month; and the projection hearing from these people is that the County is going to be to the point of browning out fire stations which could cost lives, by within the year if this is public safety issues is not addressed. She commented the pay differential variance, for a medic at top out is 10 years is about \$25,000; the problem is the Board needs to find a way to fund this; the loss of experienced fire Emergency Medical Technicians (EMT's), with many more expected to leave this year, is expected have a service failure within a year; the loss of employees due to insufficient pay after year, and insufficient staff causing mandatory extra shifts due to a loss of staff, problems of which have not been addressed in the budget; and she does not know how the Board is going to solve this but it needs to find a way. She continued by saying there is an issue going back with the reports in 1997; prior to 1997, the County funded Emergency Medical Services (EMS) with an EMS assessment; the problem was when the County took on a Countywide EMS in 1998; the County took on that cost burden, but it is not really charging it to the cities because the General Fund portion is short; throw a lifeguard in there and the spread is even more; it is more like 10 to 12 percent underfunded; and it is more if counting the life guards. She remarked lifeguards is another issue; she attended a meeting where one of the State Reps stood up and said what the County is doing, taking it from cultural grants and moving it to marketing, the Driftwood method, is not legal; the County is going to get sued; the fear of going to the cities and negotiating with them needs to change; and it is causing the lifeguard issue and the EMS issue.

Charles Tovey stated he is everybody's friend until they cross him, backstab him, disrespect him and his right to live; he first wants to say he saved the Lagoon; all the stuff they are all getting complimented on would not be happening or as successful if it was not for what he does; and it is very important for the Lagoon. He went on to say he gets gifted and he is trying to work on his cooperation and his isolation from society, trying to be more sociable and amiable; he accepts gifts from Commissioner Feltner; the first one was a lasagna dinner and he appreciates that; but then a couple days later he gets a \$50 per day fine for his house that were taken from helicopters, which they think could be problem; in 15 years it has not been a problem; in 25 years there has not been an issue, but they think there is a problem; he has supported it, with a river flowing through his property; but he had to because of the storage behind him. He continued by saying he got a bowl of Jimmy Hula's delicious rice and a couple days later another \$50 fine because his property is dangerous; he has been cooperating, busting his butt, and letting everybody know how willing and anxious he is to do everything and comply, yet they are still fining him; and he asked why, what is that going to do; he noted it is just going to cost him more money, \$50 every single day for things; it is unsafe; but try and cross Pineda Causeway with no pedestrian crossing, that is unsafe; how about the fuel tank at

the end of the road, 5,000 gallon fuel tank still left there; he is pretty sure it is trespassing if he goes on it; and the retention pond behind the traffic operations facility that is not fenced in or the boardwalk that is falling apart, yet they have all these weddings, parties, and everything there, yet it is being band-aided, that is all public stuff, but on his property, which has not had any problems other than his neighbors and everybody else attacking him. He stated the Sheriff does not do anything about it; he is being held, whether he does something, it is \$50 per day; and if he does not do something it is \$50 per day.

L.5. John Tobia, Commissioner District 3, Re: Board Report

Commissioner Tobia stated today is National Gorgeous Grandma Day; the useful Florida fact is Chuck Norris' diary AKA the Guinness Book of World Records, Florida is in it for the largest Easter Egg Hunt on April 1, 2007; 9,753 children and their parents gathered in Winter Haven, Florida, to break the World Record for the largest Easter Egg Hunt; 501,000 eggs were hidden through the Cypress Gardens Adventure Park; and it still stands today. He added he did the math and 51.36 eggs is what the average child got. He continued by saying this day in Florida history, in 1999 the Space Shuttle Columbia blasted off with the Chandra x-ray observatory, the world's most powerful x-ray telescope with Eileen Collins aboard, the first woman to pilot a space shuttle; and the first woman to command a space shuttle mission. He stated most importantly, employee recognition, John Connelly; John is a senior building inspector with the Planning and Development Department; he has 14 years of service; John is an excellent employee who really cares about his job; he continues to take classes to increase his knowledge even though he is not required to do so; John currently holds building inspector, plans inspector, building official, and fire inspector certifications; and he is always willing to work extra hours to help the County with inspections and plan reviews. He went on to say the fun facts, John was a contractor in Miami before coming to Brevard County; he enjoys hunting and working on his property in North Carolina, when he can; for some reason John always gets hurt when visiting his property in North Carolina; he has fallen down the mountain, and most recently managed to get run over by his own four-wheeler; he has been married to Joan for 39 years; and she still allows him to come home every day. He thanked Mr. Connelly for his service.

Upon consensus of the Board, the meeting adjourned at 11:40 A.M.

ATTEST:



RACHEL M. SADOFF, CLERK



JASON STEELE, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board on September 17, 2024.

Kimberly Powell

From: Kimberly Powell
Sent: Wednesday, September 4, 2024 12:57 PM
To: Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson
Subject: Minutes for Approval
Attachments: 07-23-2024 Kim.rtf

Good Afternoon,

Please see the attached July 23, 2024, Regular draft minutes to be considered by the Board on September 17.

If you find any discrepancies please let me know prior to the Board date.

Have a wonderful day,
Kim

Kimberly Powell
Clerk to the Board
(321) 637-2001
Kimberly.powell@brevardclerk.us